**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No.1401 of 2007**

**Date: 15.02.2007**

Between:

T.Appala Naidu

....Petitioner

and

The Government of Andhra Pradesh& another.

....Respondents

–
–
–
–
–
–
–

**O R D E R:**

The petitioner is the President of Water Users' Association of a minor irrigation project of Vizianagaram District. The Association was constituted in accordance with the Provisions of the Andhra Pradesh Farmers' Management of Irrigation Systems Act,1997 (for short 'the Act') and Andhra Pradesh Farmers' Management of Irrigation Systems Rules, 1997 (for short 'the Rules'). The respondents intended to carry out the embankment works worth about Rs.48,00,000/- for the banks of Vegavathi River at Alajangi Village, Bobbili Mandal, Vizianagaram District. Tenders were invited through 'E' Procurement *vide* notice, dated 22.12.2006. The petitioner states that the Water Users' Associations are entitled to be entrusted with such works under the relevant provisions and there is no justification for the respondents in proposing to entrust the work by inviting tenders.

Sri S.Satyam Reddy, the learned counsel for the petitioner had drawn the attention of this Court to the relevant provisions of the Act and the Rules. He submits that the Act provides for entrustment of the works to the associations and no limits are stipulated. The learned counsel submits that the nature of work proposed to be undertaken does not involve any expertise and the respondents ought to have entrusted the work to the association.

The learned Government Pleader for Irrigation took notice at the stage of admission. He contends that the Government has taken a policy decision as contained in G.O.Ms.No.68 Irrigation & CAD (Minor Irrigation-IV) Department, dated 13.06.2005, where

under, it was decided that the works not exceeding the cost of Rs.5,00,000/- alone must be entrusted to the Water Users' Associations. He contends that the work in question is major in nature and it is not relatable to the irrigation source alone.

The Water Users' Associations are constituted with multi-purpose objects of maintenance and regulation of water resources. Rule 19 of the Rules provides for entrustment of the works of certain categories. Neither the Act nor the Rules contain any provision as to the extent of the value of the works that can be entrusted to the association. However, the Government has taken a policy decision to entrust only those works whose value is not more than Rs.5,00,000/- to the Water Users' Association. Having regard to the financial implication and expert execution of the works, the said policy cannot be said to be arbitrary or unlawful. Another important aspect, which had a bearing on the matter, is that the proposed work is not intended exclusively for any irrigation project. It is for strengthening of the banks of the river to prevent flooding of the neighbouring villages. Under these circumstances, the petitioner cannot claim any exclusive right for being awarded the work. However, if it is otherwise competent and fulfils the relevant conditions, he can submit his own tender and the same shall be considered along with other valid tenders.

The writ petition is accordingly disposed of. There shall be no order as to costs.

_____

15.02.2007

Note: Issue C.C. in four days.
(B/o)
kdl